

DETAILED ACTION

1. This is the second Office Action based on the 10/584,945 application filed 6/5/2006. Claims 1-12 are currently pending and have been considered below.

Drawings

2. The replacement drawing sheet for Figure 11 was received on 8/11/2009. This drawing is accepted. The objection to the drawings is withdrawn.

Response to Amendment

3. In view of the amendments to the claims in the amendment received on 8/11/2009, the objections to claims 1, 2, 7, and 8 are withdrawn.

4. In view of the amendments to the claims in the amendment received on 8/11/2009, the rejections of claims 1, 2, 7, and 8 under U.S.C. 112 are withdrawn.

5. In view of the amendments to the claims in the amendment received on 8/11/2009, the rejections of claims 4, 6, 10, and 12 under U.S.C. 112 are withdrawn.

Remarks - 35 USC § 101

6. In view of the amendments to the claims in the amendment received on 8/11/2009, the rejections of claims 7-12 under U.S.C. 101 are withdrawn.

7. The amendments to claims 7 and 8 add the language "by utilizing a first comparison and selection means". In the examiner's opinion, this is sufficient to tie the method claims to a particular machine, namely a first comparison and selection means

as disclosed in the specification or an equivalent. One of ordinary skill in the art would not conclude based on the specification that the first comparison and selection means that performs the method step could be a human performing mental calculations, as the specification discloses hardware embodiments, and not embodiments that are purely software or abstract processes. Therefore, the examiner concludes that the claimed processes satisfy the machine prong of the machine or transformation test.

The arguments of the applicant with regard to the previous assertion of the examiner that the claimed methods do not produce a useful, concrete, and tangible result are persuasive.

Therefore, the rejections of claims 7-12 under 35 U.S.C. 101 are withdrawn.

Allowable Subject Matter

8. Claims 1-12 are allowed. They are renumbered in the order shown on the Index of Claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DENNIS HOGUE whose telephone number is (571) 270-5089. The examiner can normally be reached on Mon. - Thurs., 8:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DH

Examiner

9/15/2009

/Timothy J Henn/

Primary Examiner, Art Unit 2622